

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|---------------------|---|------------------------------------|
| MELISSA M. RAY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Civil Action No. 3:23-cv-66 |
| |) | District Judge Stephanie L. Haines |
| MS. CAMACHO, et al. |) | Magistrate Judge Keith A. Pesto |
| |) | |
| Defendants. |) | |
| |) | |

MEMORANDUM OPINION

This is a civil rights case brought by Plaintiff Melissa Ray (“Plaintiff”) relating to medical treatment she received while an inmate at the Cambria County Prison from August 16, 2022 to November 22, 2022. In her Complaint (ECF No. 3), Plaintiff named as Defendants “Ms. Camacho”, Prime Care Medical, Inc., as Defendant Camacho’s employer, and Warden Christian M. Smith. This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Federal Magistrates Act, 28 U.S. C. § 636, and Local Civil Rule 72.D.


On July 13, 2023, Magistrate Judge Pesto issued a Report and Recommendation in this matter (ECF No. 12). In his Report and Recommendation (ECF No. 12), Magistrate Judge Pesto determined Plaintiff’s Complaint (ECF No. 3) stated a deliberate indifference claim against Defendant Camacho but failed to state claims against Defendants Smith and Prime Care Medical, Inc. The parties were advised that objections to the Report and Recommendation were due by July 27, 2023 and by July 31, 2023 for unregistered ECF users. No party filed objections, and the time to do so has passed.

Upon review of the record and the Report and Recommendation (ECF No. 12) under the applicable “reasoned consideration” standard, *see EEOC v. City of Long Branch*, 866 F.3d 93, 100

(3d Cir. 2017) (standard of review when no timely and specific objections are filed), and pursuant to Local Civil Rule 72.D.2, the Court will accept in whole the findings and recommendations of Magistrate Judge Pesto in this matter. Magistrate Judge Pesto appropriately determined Plaintiff failed to adequately state a claim against Defendants Smith and Prime Care Medical, Inc. and that amendment of the claims against those Defendants would be futile and inequitable. *See Grayson v. Mayview State Hospital*, 293 F.3d 103 (3d Cir.2002). Accordingly, the following Order is entered:

ORDER OF COURT

AND NOW, this 21st day of August, 2023, for the reasons set forth in the Magistrate Judge's Report and Recommendation (ECF No. 12) which is adopted as the Opinion of the Court, IT IS ORDERED that Plaintiff's claims against Defendants Christian M. Smith and Prime Care Medical, Inc. are hereby DISMISSED WITH PREJUDICE from this matter.


Stephanie L. Haines
United States District Judge